

EXHIBIT 2

As the death toll in stifling Texas prisons climbs, congressional Democrats ask for investigation

Most Texas prisons lack air conditioning. At least 41 prisoners have died of heart-related or undetermined causes since the unrelenting heat wave began.

BY **JOLIE MCCULLOUGH** AUG. 21, 2023 11 AM CENTRAL

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At least 41 people have died in stifling, uncooled prisons of either heart-related or unknown causes during Texas' relentless and record-breaking heat wave this summer, according to a Texas Tribune analysis.

Relatives of those who died and prison rights advocates [insist at least some of those deaths were caused by the heat](#). More than a dozen of the prisoners were in their 20s or 30s, with at least four people 35 and under reportedly dying of cardiac arrest or heart failure. The Texas Department of Criminal Justice says no prisoner has died from the brutal heat in its facilities since 2012, around the time the agency began [being bombarded with wrongful death and civil rights lawsuits](#) over the heat.

On Monday, Democrats on the U.S. House Committee on Oversight and Accountability [implored](#) Republican Chair James Comer to launch an investigation into conditions at prisons enduring sweltering temperatures, especially in Texas. The request follows the Republican committee members' investigation into conditions for defendants jailed on charges related to the Jan. 6, 2021, insurrection at the U.S. Capitol.

"The capacity of prisons and jails to adequately prepare for and provide resources to meet the increasingly extreme weather caused by climate change deserves immediate attention from this Committee," the Democrats, including Texas Reps. Greg Casar and Jasmine Crockett, wrote. "If Committee Republicans are serious about conducting oversight of the conditions within prisons and correctional facilities, and not just playing politics with a single facility, it is critical that you demand that facilities across the country hold inmates in a humane environment and not limit your interest to a single facility."

Comer's office did not immediately respond to questions about the letter.

More than two-thirds of Texas' 100 prisons don't have air conditioning in most living areas inside the concrete and steel buildings where officers and prisoners work and live. With little to no ventilation and temperatures routinely soaring into the triple digits outside, the thermometer reading often rises even higher inside the prisons.

Since June, at least a dozen prisoners have died from reported cardiac arrest or heart failure in uncooled prisons on days when the regions' outdoor heat indices were above 100 degrees, according to [a Texas Tribune analysis](#) of prison death reports and weather data. At least another 29 have died of what are still unknown causes pending autopsy results.

The death count is likely higher, as prisons have 30 days to report a prisoner's death to the state.

Mothers and sisters of prisoners who died this summer insist the heat and indifference killed their loved ones, condemning TDCJ for failing to recognize the heat as a cause of death. Heat deaths are often undercounted and misclassified, according to medical experts, and an abundance of studies link an increase in fatal heart failures to extreme heat.

TDCJ spokesperson Amanda Hernandez said Monday that her agency alone does not determine cause of death; rather a medical examiner decides if deaths are heat-related. In at least one death, the agency said officials believed the man was on drugs.

Relatives also argue the agency's reports are unreliable given that it reports more heat illnesses for staff than prisoners, despite employees being able to leave after their shifts.

TDCJ has reported 35 employee heat-related illnesses this year, but only 14 among prisoners, despite seemingly unending reports from prisoners and their loved ones of men and women passing out or experiencing other symptoms of heat exhaustion.

Under court scrutiny, TDCJ in recent years has implemented a variety of mitigation strategies for the heat, including providing fans and ice water to prisoners and allowing requests for cold showers and respite relief in air-conditioned parts of the prison, like the chapel or barbershops. But every summer, a plethora of prisoners and their supporters claim that such policies aren't followed.

"They have respite areas where people can go to get cooled off, but you rarely see them in there because we're too short handed, and this is why. It's too freaking hot," a prison officer at the Wainwright Unit in East Texas said, asking to remain anonymous for fear of losing her job.


TDCJ has been chronically understaffed for years, and officer unions often point to the debilitating heat as a major reason employees leave.

In the congressional letter, the Democrats noted that the Texas Legislature has rejected attempts to put money directly toward air conditioning its prisons, despite increasingly hot summers and a surplus in the state budget this year.

"State legislators prevail with the mindset that allowing inmates to suffer from excessive heat is appropriately 'tough on crime,'" the representatives said, concluding "the problem of prison conditions demands serious attention by Congress, and we hope that you will join us in this critical endeavor."

Hernandez said the letter ignores that lawmakers have set aside funds to air condition Texas prisons, including \$85 million allocated for the upcoming biennium. The \$85 million was given for TDCJ to use on "deferred maintenance projects," not specifically for air conditioning. Hernandez previously would not say whether the money was specifically intended for that purpose.

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